1 2 3 4 5	Mark R. Figueiredo, Esq. (State Bar No. 1788 Jaclyn M. Ford, Esq. (State Bar No. 272641) STRUCTURE LAW GROUP, LLP 1754 Technology Drive, Suite 135 San Jose, California 95110 Telephone: (408) 441-7500 Facsimile: (408) 441-7501 mrf@structurelaw.com jford@structurelaw.com	
6	Attorneys for Plaintiff VIVOTEK USA, INC. Richard J. Mooney, Esq. (State Bar No. 176486) RIMON P.C. One Embarcadero Center #400 San Francisco, CA 94111 Telephone: (415) 683-5472 richard.mooney@rimonlaw.com Attorneys for Defendants 4XEM CORPORATION, INC. and JOHN FORTIER UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
7 8 9 10 11 12 13		
14 15 16 17		
118 19 20 21 22 23 24 25 26 27	VIVOTEK USA, INC., a California corporation, Plaintiff, v. 4XEM CORPORATION, INC., incorporated under the laws of Canada; and JOHN FORTIER, an individual, doing business as 4XEM USA, Defendants.	CASE NO. CV 13-04452 PSG NOTICE OF CONDITIONAL SETTLEMENT AND [PROPOSED] ORDER
28		

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23

TO THE COURT:

The parties to the above-entitled action jointly submit this NOTICE OF CONDITIONAL SETTLEMENT AND [PROPOSED] ORDER to notify the Court that this matter has been settled conditioned upon consideration being remitted in installments by Defendants to Plaintiff through August 30, 2016. Pursuant to the parties' Settlement and Release Agreement, Defendant 4XEM CORPORATION, INC. will make structured installment payments to Plaintiff VIVOTEK USA, INC., concluding with a final payment due on August 30, 2016. The parties request 45 days from the date of the final payment to file the dismissal.

In the event the conditions of the Settlement and Release Agreement are not met, the parties have stipulated that Plaintiff shall be entitled to Judgment in a certain amount, less any installment payments made by Defendants. To that end, Defendants have executed a [PROPOSED] STIPULATED JUDGMENT which Plaintiff will submit to this Court only if the conditions of the Settlement and Release Agreement are not met.

The parties further stipulate and agree that based on the foregoing, and subject to this Court's approval, the Pretrial Conference set for November 4, 2014 at 10:00 AM, as well as the trial set for November 17, 2014, are no longer necessary. In the interest of the Court's and the parties' economy, it is therefore respectfully requested that these hearings be vacated.

Dated: October 3, 2014

Dated: October 3, 2014

STRUCTURE LAW GROUP, LLP

22

24

25

26 27

28

Mark R. Figueiredo, Esq. Attorneys for Plaintiff VIVOTEK USA, INC.

RIMON, P.C.

By: _/s/_

By: _/s/_ Richard Mooney, Esq. Attorneys for Defendants 4XEM CORPORATION, INC. and JOHN FORTIER

SIGNATURE CERTIFICATION Pursuant to Local Rule 5-1(i)(3), I certify that the content of this document is acceptable to Richard Mooney of RIMON, P.C., counsel for Defendants 4XEM CORPORATION, INC. and JOHN FORTIER, and that I have obtained Mr. Mooney's authorization to affix an electronic signature to this document. Dated: October 3, 2014 STRUCTURE LAW GROUP, LLP By: _/s/__ Mark R. Figueiredo, Esq. Attorneys for Plaintiff VIVOTEK USA, INC.

ORDER

Based on the foregoing Stipulation and good cause appearing:

- (1) The Pretrial Conference currently scheduled for November 4, 2014 at 10:30 AM, as well as the trial date are hereby VACATED; and
- (2) Provided all conditions of the conditional settlement are met, the parties shall file a dismissal with prejudice of this action in its entirety not later than 45 days after the final payment is made by Defendants. If the conditions of the conditional settlement are not met, Plaintiff VIVOTEK USA, INC. shall be entitled to submit to the Court for its consideration the parties' [PROPOSED] STIPULATED JUDGMENT.

IT IS SO ORDERED.

Dated: November 3, 2014

MAGISTRATE JUDGE PAUL S. GREWAL